App F IX 4

1926

File No 135-26

Previous References
LR 484-17 28
167, 9 Jo 17
1960 M
22 C 176-16 RR 1-8
Later References
ME 12 22 28 80 d 102
LR 5-51-29(1-2)
ME 154-35-22 F 26

Serial Nos 163

General and Revenue Secretariat.

Serial Nos

Part B for ~~from 22~~ Feb 25

SUBJECT

Grant of a piece of land measuring 180'x100' to one Mr Venkata Subbam for the Construction of an oil mill

---

3 JO, The Municipal Commr Bellary No L & 921/d Dt 2 27

States that as the person has proceeded too far in the work & may be allowed to Continue the Construction of the building

JB 1 4 27

WD) 333—3PB—37)10—1)
App F III—2|

General and Revenue Secretariat

Rl File No 135 of 1926

Serial No

1 Letter No 135 & 15/17 / 27 from the Rural Com, Bangalore City.

Submits for orders a copy of the of the Rural Comm expressing his wish of a plot of ground measuring 180' x 100' situated to the North of the road leading to burial ground and Cremation grounds to one Mr M Venkatasami for the Construction of an oil mill and States that in the circumstances stated, he has ordered that the sd of the building lease granted to Mr Venkatasami bearing orders of Govt sanctioning Resolution of the Rural Council

2 Petition dt 15/1/27 from Mr M Venkatasami, Contractor, C&R Stations Bangalore

Protests against the withdrawal of the license granted to him by the Asst Rural Officer for the Construction of an oil mill on the land sold to him by the Council in the bed of the tank of Jakkarayanakere

The Bangalore City Rural Council sold a plot of land measuring 180 x 100' in the bed of the Jakkarayanakere tank for Rs 8 of at the rate of 4 annas per Sq yard to Mr M Venkatasami of the C&R Station the Construction of an oil mill the power of the land and also license to build and said to have the the for the

WD 0 299—GPB 37 500—1 9 26
App I III—2

General and Revenue Secretariat

Rd File No 135 of 1926

Serial No

purchase by the Naval Council

In connection with this transaction the Naval Comr has stated that the Railway only a trustee in respect of Govt unoccupied land, the Naval Council ought to have Govt sanction to the disposal of the land in question before me giving possession to same to the purchaser, as it contravened the provisions of the Naval Regl and Standing Orders and that he has therefore withheld the issue of Building licence granted to the purchaser by the Naval Council

From the telegram it is seen that the Jakkarayan Bank vests in Naval Council belongs to Naval Council

(1) I L R 48 A-19 at 1-7 &

(2) 8 C 1116-16 at 1-8

From the above reference it is clear that the tank in question is Govt space reserved by Govt and so it is the prerogative of the Naval Council by virtue of Section 50 (2) (b) of the Naval Regl VII of 1908 and the fact is also supported by the Commentary recorded in page 153 of the Bombay Revenue Jurisdiction Act, wherein it is stated that all public tanks and also any apparent appurtenances thereto in Naval limits are vested in and belong to the Authority

Naval Commander

Note—Contin Sheet

WD 0 229—GRB—37500—1 0 24
App 1—111—21

General and Revenu Secretariat | ~~Rl~~ File No 135 of 1926

Serial No

The value of the land as appraised by the Rural Council amounted to Rs 500/ and under Section 40 (2) of the Rural Council have sold the same to the purchaser and ~~and~~ the sale without reference to Govt as they were competent to do so under the said Section.

In the above circumstances the contention of the Rural Comr ~~and the~~ against the action of the Rural Council and the consequent withdrawal of the building license granted by them seem to be not in order

If approved D.T.L.G. may be consulted in the matter as it involves a legal point

~~Rl~~
21/1/27

While the Rural Commissioner states that there is no reference in his office to show that Mr Jakkarajanka Tank had wherein the said is granted former part of the Rural property by letter No 226 of 8/11/22 from the Secy of the Rural Council Pes & that the Rural Council has exercise control over the Jakkarajanka Tank. ~~and~~ (vide para 6 of the reply from the Rural Council No 4614-17-24 of 4/6/27).

~~Rl~~

Serial No

Held

In their order NV 7516-8/7th 176-16 & 8/9/18 first ordered the City Municipal Council to arrange for a proper agreement being entered into with the Lyons Supply & Tramway Company in regard to the free supply of water from the Jakkur reservoir tank to the Civil Lines

The bed of the tank in which the water is stored to some extent forms a valuable asset on the Western side of the tank but a large part of the tank has perhaps to be considered as under the control of the City Municipal Council

Under from the Commissioner in Council's Manual under 'Tanks' under Section 50, it is stated that the bed of any minor tank in a Municipality belongs to the Municipal Council whereas over the civil has no vested there is nothing in the law to make it clear to the municipal property in the nature being altered & its ceasing to be the bed of the tank

Vide also the notes in Rule 484 of 17 (page 53)

For these reasons this order of the Commissioner does not seem to be the order I think may also be considered

21

For remarks see letter dated 24

Form—Cotton Sheet

Serial No

The main question for consideration is no is the owner of the site granted by the Municipal Council i e , whether the site vests in Government or in Municipal Council The Municipal Commissioner says that "there is no reference in this office to show that the bed of the Jakarayankere (wherein the site is granted) forms part of Municipal Property" The office has put up the file below No 484-17 This file relates to the correspondence that passed between the Mysore Spinning and Manufacturing Company and Government regarding the use of Jakarayankere tank water by that Company The question that arose in this case was whether the company acquired any right either by prescription or by grant to use the water of these tanks The Company pleaded prescriptive right and also an implied grant To decide the question of acquisition of right of prescription with reference to the period of limitation it was necessary to ascertain whether this tank vested in Municipality or remained in Government possession Mr Humza Hussain the then Second Member had raised the question of ownership of this tank on the ground that if it belonged to Government the Company had to show uninterrupted use of the water for over 60 years to acquire prescriptive right, while they have to show 20 years' uninterrupted use only against Municipality to acquire prescriptive right if the tank vested in Municipality The correspondence then commenced to find out who t owner was The President, late Mr Ananda ao Sirsi reported that this Jakarayankere was th

Serial No

the boundary limits of the town of Bangalore and that the Municipal Council were exercising control over the use of ~~kkk~~ water in the above tank (Vide his letter dated 1st March 1922 and 6th April 1922 Flags O & S) Mr C S Dorasami Iyer the then Government Advocate came to the conclusion from the papers that "the tanks (meaning Jakarayankere and Hosakere) have been made over to the Municipality several years back" and Mr Shankaranarayana Rao who succeeded him had also come to the conclusion after perusing the correspondence that passed between the Government and the Municipality regarding the ownership of this tank that "it is the Municipality and not the Government that is the owner of the tank in question" Government have acquisced in this opinion From this it is clear that by operation of Section 50(2)(b) of the Mysore Municipal Regulation No VII of 1906 this tank bed ("wherein the site is situated") vests in Municipality Hence the Municipal Council seems to have power to dispose of the same

Secretary 1
Asst Comptr

Chief Secy with compliments

I do not think that the decisions formerly arrived at regarding the use of the tank water have much bearing on the present question Use of the tank was made in the Muni[illegible]

Serial No

(as was opined by the present ~ previous Govt Advocates)
the Municipal council's ownership could only be of a fiduciary character and therefore of a limited character. It is not open to the Council to dispose of any portion of the town land for other than public purposes

It would however appear that the plot of land under consideration has ceased to form part of the water spread of the tank In that case its ownership and disposal are regulated by Rule 13 of the Land Revenue Rules of which sub-section (a) reads as follows

" Public streets within municipal limits must be carefully distinguished from building sites and open pieces of ground which have not been dedicated to the public use, and which unless they have been already transferred to the Municipality, shall vest in Govt "

Even if it be admitted for the sake of argument that the land is municipal property, still its value being more than Rs 500 (Mongha Nat is the concession price fixed in this case) the previous sanction of Govt was required under Section 40 (2) which, as amended, reads as follows :- " In the case of

undoubtedly

Serial No

Copy of every lease for a term exceeding seven years and of every sale or other transfer of immovable property exceeding Rs 500 in value, if such lease, sale or other transfer is by a city Municipal Council the previous sanction of Government is required"

In whatever light the question may be viewed there is no doubt that it is one for the Govt and not for the Municipality to decide finally.

The main point is whether the location of an oil mill in this area is in any way objectionable As the Commissioner's letter gives no direct information on this respect the matter will have to be settled either by personal inspection or by further reference to the Municipal Commr or preferably to the Deputy Commr Bangalore Dt under Rule 13 L A Rules.

A draft letter to the DC is herewith put up for approval or other instructions

First member

Dear Sir

I am unable to agree with the Deputy Commr of Bangalore Consider that the site in question belongs to the Municipality & is not situated within the limits of the Municipality the result that the rate in

NOTE—Contn Sheet

WD 01220—GPB—37,500—1-3-26
App. F III—2]

General and Revenue Secretariat | File No | of 192

Serial No.

a Concession rate; & we have no right to pursue with the Railway Comm's in the same sense as the Comm's have been allowed as protection by Railway

The petitioner says that he has already spent 10,000 R, buies the foundation, imported machinery, engaged an Expert & purchased certain oil Refining, the first of its kind in India. Site which is now selected for house building is also eligible for setting up machinery & by Case Law in the event of the builder.

I think, therefore, that the petitioner did be withdrawn

We fear that to work 4 months (after work was stopped) for the Comm'r to decide the stoppage was not creditable & he had stopped it immediately after the work was started, there to have been less grounds for helplessness against Govt in the future which is what we did avoid as far as possible

Lee
14/2/27

Dewan)

Dun
14/2

PS

Please ask Mr M C to show me the site when he is at liberty in the morning

Dun
17/2

DEWAN'S OFFICE.
Received on
19. FEB. 27
No. 6165

Note—Contin. Sheet

WD 01299—GPB—37,500—1-9-96
App. F III—9]

General and Revenue Secretariat

File No 31 [illegible] of 192

Serial No.	
	I suggested the site [illegible] [illegible] the man has proceeded [illegible] the work [illegible] [illegible] [illegible] the site [illegible] the maps [illegible] [illegible] Moreover the site is [illegible] for the [illegible] of [illegible] [illegible] is [illegible] [illegible] is in a different [illegible] [illegible]! [illegible] [illegible] [illegible]
	[illegible] 21/2
	A. S.
	Issue draft reply put up [illegible] 21/2 [illegible]
3	D.O. letter No. 5921 G 23-2-27 to the [illegible] [illegible], Bangalore Cy. States that, as the grantee has proceeded with the work at some expense, he may be allowed to continue and complete it and that the licence granted to him for the purpose need not be withdrawn.

[illegible] 30/3

NOTE—Contn.Sheet

No Kngrch

G 70135

Ec one

OFFICE OF THE CITY MUNICIPAL COUNCIL

Bangalore City Dated 15th January 1927. 192

17th

31352

8 JAN

From T Govinda Rao, Esq,

Offg MUNICIPAL COMMISSIONER MUNICIPAL COUNCIL

BANGALORE CITY

REV SECTT

ER

17 JAN 1927

GD SECTION

To

C Ranganatha Rao Saheb, Esq, B A ,B L
Secretary to the Government of His
Highness the Maharaja of Mysore,
Development Departments,
B a n g a l o r e

Mr 135-26 —

Sir,

I have the honour to submit for the orders of Government the accompanying resolution of the Municipal Council held on the 22nd September 1926 in regard to the sale of a plot of ground measuring - 180 feet by 100 feet situated to the north of the - road leading to Hanumanthapur burial and cremation grounds to one Mr M Venkatasami for the construction of an oil mill

2 The proposed building is close to the M S M Railway Police lines and it is behind the watchmen's quarters on the Bangalore-Chikballapur - Kolar narrow gauge Railway line There is no reference in this - office to show that the bed of the Jakkarayan tank bed (wherein site is granted) formed part of Municipal - property In connection with a resolution of the - Municipal Council to transfer some lands to the Palace for extending the orchard, the Government held in the Chief Secretary's letter No 666/ PP 123-21 dated 9th August 1922 to the address of the President that the ownership of Government unoccupied lands within Municipal limits which are not already appropriated for any of the purposes mentioned in clauses 2(a), (b),(c), and (f) of Section 50 of the Municipal Regulation did not vest

in

12

in the Municipal Council until it was transferred to them by the Government in accordance with clause 2(e), of the same section It was further held by Government that the Municipal Council exercised the powers of -- control over unoccupied Government land within the - Municipal limits for purposes of sanitation

3 The Municipality is only a trustee in respect of Government unoccupied lands and the resolution of the Municipal Council requires the previous sanction of - Government before it could be given effect to In the present case, upset sale value of Rs 500 was recovered from the grantee and possession was handed over to him Permission was also accorded to build the oil mill without obtaining a mutchalika about the disposal of the refuse - from the mill premises as stipulated in the Council resolution. As the handing over possession of the land contravened the provisions of the Municipal Regulation and -- standing orders, I have ordered the withdrawl of the buildi license granted to Mr Venkatasami pending the orders of Government sanctioning the resolution of the Council

4 I request that early orders of Government be communicated on this reference

I have the honour to be,

S i r,

Your most obedient servant,

Offg Municipal Commissioner

Forwarded with compliments,

Honorary President,
City Municipal Council,
Bangalore City

DRR

No. 80

PROCEEDING OF AN ADJOURNED MEETING OF THE CITY MUNICIPAL COUNCIL, BANGALORE, HELD ON WEDNESDAY THE 22ND SEPTEMBER 1926 AT 6 P.M. IN THE COUNCIL CHAMBER

PRESENT

Mohamed Abbas Khan, Esq., (Honorary President

COUNCILLORS :

Rao B.N. Hanumanthappa,	10	Mr T Gopalaswami Iyer,
" G.Muniyappa,	11	" L N Sitharama Rao,
" Belur Srinivasiengar, B.A., B.L.,	12	" C Vayavadana Rao, B.A., L.L.,
" M.Bhadrappa,	13	" S Venkatarangaiengar,
" S.M.A. Rasvi,	14	" T V Kalyanpur,
" C P Autchappa,	15	" Subbarama Chetty,
" G.Siddaveerappah,	16	" D Venka aramaiya, B.A., L.T.,
" S Paramasiviah, M.A., LL.B.,	17	" T.J. Vijayadeva, B.A., Bar-at-Law
" G.B Raghavendrachar, B.A.,	18	" A.L Basappa,
	19	Mr V A Krishnamurthi Mudaliar, B.A.

ABSENT :

Mr. B.V Krishnaiengar,	6	Mr A Ramachandra Rao, Bindia,
" H.C Sanjeeviah,	7	Rev A M Thorp, B.A.,
" B.Abdur Rahman, B.A.,	8	Mr M Noyan,
" B.L.Byanna,	9	" S Murugesam Pillay,
" C.M Narasinga Rao, B.A., B.L.,	10	" L Krishnanjundappa

Special Subject

Opinion of the Municipal City Improvement Committee dated 2nd September 1926 recommending the grant of a plot of ground measuring 180' x 100' situated to the north of the road leading to the Hanumanthapur burial and cremation grounds to Mr M Venkataswamy, Contractor for the construction of an Oil Mill at 4 annas per square yards

Resolution - Mr Belur Srinivasiengar proposed and Mr G Siddaveerappa seconded the following resolution -

"Resolved that a plot of ground measuring 180' x 100' situated to the north of the road leading to the Hanumantnapur burial and cremation grounds be sold to Mr M Venkataswamy - applicant at 4 annas per square yard for the construction of an oil mill and that the land be demarcated by the Municipal Engineer and that the refuse water should be let off beyond the waste weir so as not to contaminate the Jackarayana tank water "

Mr G B Raghavendrachar proposed an amendment that the words

14

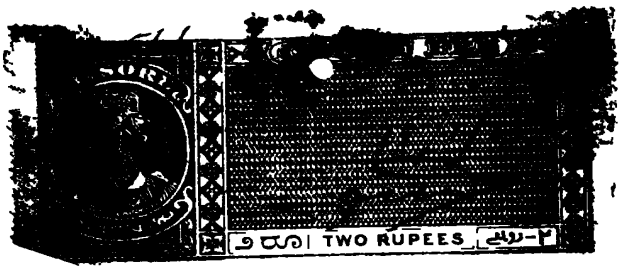
Words "or for starting any other industrial concern be added after the words "Oil Mill" in the above resolution. The amendment was lost for want of a seconder

The original proposition was put to vote and carried 15 voting for and none against

Sd/-Mahomed Abbas Khan,
Honorary President.

" C o p y "

Municipal Commissioner



3140
18 JAN 1927
LOCAL SELF GOVT. BRANCH

BEFOR[illegible] GOVERN[illegible] OF HIS HIGHN[illegible] THE MAHARAJA OF MYSOR[illegible], BANGALORE

M Venkatasami, Municipal Commissioner C & M Station, Contractor, Ulsoor, Bangalore | Petitioner

Mr/35-26-2

report on the matter has been received

Put up at once

3 Cpo 8.1.27

18/1

The petitioner most respectfully ~~begs to~~ state as follows -

1 The petitioner for the purpose of erecting an OIL MILL ~~in~~ 4 upto date refinery in Bangalore City purchased for a consideration of Rs 500/- from the Bangalore City Municipality a piece of land measuring 180 ft by 100 ft adjoining Jakkanakere (now) Tank and after duly obtaining from the said Municipality a license for the erection of buildings required for the purpose, laid out a large sum of money in the purchase of building materials such as timber, bricks, stone, iron trusses, etc , and also machinery for the oil mill

2 After the required machinery was got at a great expense from long distances and after building operations had progressed upto basement level, the Health -- Officer of the Bangalore City Municipality all on a sudden served on the petitioner a notice on the 11th instant, a copy of which is herewith appended requiring him to stop all further works on the alleged ground that the land in question belongs to the Government

3 After receipt of the above notice from the Health Officer, the petitioner applied to the Commissioner of the Bangalore City Municipality for permission to continue the

building

(10

building operations and pointed out to him the very heavy losses to which the petitioner would be put and the Commissioner was not yet pleased to give permission for proceeding with further work

4. The petitioner respectfully submits that the Bangalore City Municipality had full authority to grant the land in question to the petitioner and that with the full knowledge acquiescence and encouragement of the said Municipality and further on their instance at the time of the sale on an immediate starting of the mill, the petitioner has already spent more than Rs 10,000/- besides the investment made on machinery and entered into engagements for purchase of materials, labour, etc to a further extent of Rs 10 000/-

5. The petitioner further submits that on the strength of the assurances held out by the Municipality by the sale of the land and by the sanction of the plans, etc of the buildings, he engaged and retained the services of an expert an Mol ou trained in England, Germany and other Continental places with a view to produce refined oils for edible purposes

6 The petitioner on his part has complied with the conditions imposed by the Municipality in the sale of the -- land and in the erection of the proposed MILL He has submitted to the Municipality stamped papers for executing the required Mutchalika and has been and is willing to execute the Mutchalika and to abide by the conditions imposed on him

7. The petitioner submits that the stopping of the work has acted highly prejudicially to him when he was anxious to erect the machinery immediately and to start work at once, the present moment being favourable to the oil business In case the Government do not step in and direct the Municipality to sanction the further and immediate progress of the work, the petitioner will be put to a loss of nearly Rs 20000/-

8.

8. With the services of the expert whom he has already engaged, the petitioner has made arrangements to develope this industry to an OIL REFINERY (which is his main object) which is the first of its kind in India and which, if successfully worked out will benefit the public to a very large extent bringing credit to the State

9 The petitioner therefore prays the Government may be pleased to help and encourage in the development of this new industry which he has taken on hand at great risk and at heavy commitments by directing the Municipality not to impede in the progress of the work

M Venkatadwamy

Bangalore, Petitioner

18th January 1927.

2

Office of the Health Officer,
Bangalore City,

No To 1200/10-1-1927 Dated, 10th January 1927

Immediate Memo

As the land between the Sakkaraya Tank and t Chickkaballapur Railway Lines where an Oil Mill is proposed to be built is understood to belong to the Government, Mr Venkatasami, Contractor and Municipal Councillor, C & M Station, Bangalore, is requested to be so good as to stop the construction of any building on the site till permission from the Government is obtained

Sd/ J V Mascarenhas
Health Officer,
Bangalore City

=======

"Copy"

No 2 5921/ml 133-26-3
Dt 23rd Feb 27

Draft

Dear sir,

With reference to your letter No 133 dated the 17th January 1927 regarding the sale of a plot of ground to one Mr Venkata wamy for the construction of an oil mill I am directed to state that as the grantee has proceeded with the work he may be allowed to at his expense continue ~~the construction~~ and complete it The license granted to him for this purpose need not be withdrawn

Yours sincerely,

To

T Govinda Rao Esq

Municipal Commissioner,

Bangalore City